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OGC 70-2041

7 December 1970

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Defense Appropriation Act

1. This memorandum is in response to your request for a report on the status of certain amendments to the Defense Appropriation Act.

2. This Act as reported out by the Senate Appropriations Committee contains two new amendments which were not in the House version:

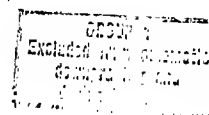
a. The first is the so-called Cooper-Church Amendment, which restricts expenditures for use of U. S. armed forces outside of South Vietnam. This may not survive conference, but even if it does, it has no impact on the Agency's activities.

b. The other is the so-called Fulbright Amendment, which originally appeared in the Military Procurement Authorization Bill.

3. While the Fulbright Amendment was not opposed by the Administration or either house when it appeared in the Military Procurement Authorization Bill, Ralph Preston tells us that Chairman Mahon is seriously concerned about the restrictive effects on Presidential authority of both the Cooper-Church and the Fulbright Amendments, and Mahon is quoted in the press to this effect on 5 December.

4. We do not know what effect Mahon's reservations will have on the ultimate fate of the Fulbright Amendment. Even if it is dropped from the Appropriation Bill, it remains in the Authorization Act, and most of the experts argue that it would therefore

SECRET



be binding. In any event, it represents a clear statement of congressional intent which we think the Agency can ill afford to ignore.

5. In view of your conversations with Senators Russell, Stennis, and Fulbright on the Fulbright Amendment, it appears that there is no great problem with Agency-controlled operations involving the SGUs and other elements in the panhandle of Laos and the sanctuaries of eastern Cambodia, all of which can be justified as directly supporting U. S. forces in South Vietnam and facilitating the process of Vietnamization. Neither do we see major problems in the Agency's operations involving the guerrillas in the Plaine des Jarres area, particularly in the light of Senator Fulbright's statements on the floor that he did not intend his Amendment to interfere with current operations there. However, Senator Fulbright might claim at some future date that he was not aware

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LAWRENCE R. HOUSTON
General Counsel

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Concurrence and Distribution Sheet for Memorandum from the
General Counsel for the Director of Central Intelligence,
subject: Defense Appropriation Act, dated 7 December 1970

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Legislative Counsel

7 DEC 1970

Date

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